



CITY OF HAYWARD
AGENDA REPORT

PLANNING COMMISSION

MEETING DATE 01/13/00

AGENDA ITEM 1

TO: Planning Commission

FROM: Arlynne J. Camire, Associate Planner

SUBJECT: Revocation Of Use Permit No. 20313 – Al M. Casatico (Owner): Request of the Planning Director to revoke a use permit due to noncompliance with the conditions of approval - The site is located at 22301 Mission Blvd, in a Central City Commercial (CC-C) Subdistrict

RECOMMENDATION:

It is recommended that the Planning Commission revoke the use permit for non-compliance with the conditions of approval and municipal code requirements.

BACKGROUND:

On June 6, 1969, the Board of Adjustments approved Use Permit Application No. 20313 that allowed used car sales and minor servicing of autos for sale or under warranty at a service station building; heavy repairing is not permitted (Attachment B) although this presently constitutes a major portion of the business.

Conditions of approval require the following:

- Install and maintain a 3-foot landscaped strip adjacent to Mission Boulevard and Grace Street, excluding driveways, as indicated on Exhibit "A."
- Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas, edges of driveways, and planting islands;
- The Richfield identification sign located on the roof of the canopy and identifying colors on the building shall be removed.

Project Description

The site is developed with a gas station building, including an office and repair garage, with an attached gasoline fuel pump canopy. The fuel pumps have been removed. Hayward Auto Wholesales now occupies the site (Attachment A.1). In addition, the business owner has leased an adjacent parking lot at 811 Grace Street to use as vehicle storage, and there is no use permit for this use on this parcel (Attachment A.2).

This property has a history of violations. On August 19, 1998, the City received a complaint from a Pearce Street resident about vehicles blocking driveways and parked in violation of several posted parking regulations. Community Preservation staff and the Police Department investigated and found that the vehicles in violation were registered to Mr. Joseph Huber, the business owner of Hayward Auto Wholesale. On August 25, 1998, a letter was sent to the property owner, Mr. Al Casatigo, which pointed out property violations including unmet conditions of approval. A follow-up letter was sent September 30, 1998 asking for compliance by October 15, 1998. The property was reinspected on October 16, 1998, and compliance had not occurred. A \$226.00 fine was assessed, and the matter was referred to the Planning Division to begin revocation proceedings. On December 8, 1998, the property was reinspected and little progress was made.

The property was reinspected throughout the month of January 1999 with progress proceeding slowly. In staff's opinion, progress was minimal and, given lack of promised performance in the past, not likely to be completed.

On May 21, 1999 notice of revocation was sent to the property owner and business owner and the public hearing was scheduled for the Planning Commission meeting of June 24, 1999. However, the property and business owners met with staff to discuss property violations. Staffed worked with the owner throughout the summer and imposed a compliance deadline of October 4, 1999. The landscape contractor could not finish his work by this time so the deadline was extended until October 31, 1999. Since compliance did not occur by that date, staff scheduled the item for the meeting of December 9, 1999, and sent a notice of revocation November 17, 1999. Since that meeting was cancelled, the item was rescheduled for tonight's meeting of January 13, 2000. This notice of revocation was sent December 13, 1999.

The Planning Director is referring this use permit to the Planning Commission because of noncompliance with the conditions of approval and permitted uses. Specific violations, as outlined below, continue to be problematic:

- Landscaping suffers from lack of maintenance and planters have not been installed,
- Operable vehicles are stored in the parking lot at 811 Grace Street, for which there is no use permit,
- Inoperable vehicles are stored on site,
- An excess of 25 percent of window area is covered with signs,

- Outdoor storage of auto parts and miscellaneous items in the lot and in the planters continues,
- Overall property maintenance is poor.

Violations of the conditions of approval and various other Municipal Code requirements have continued for many years. Based on the extended history of noncompliance on this site, staff has no reason to believe that such violations will cease. These issues are discussed below. Included in the discussion is the response from the owner and discussion of continued property neglect.

1. Landscaping Conditions of Approval

A revised landscape and irrigation plan has been submitted and approved by the City Landscape Architect. The property owner has hired a contractor who has begun to install the planters and landscaping; however, due to the contractor's schedule, the work has not been completed. Staff spoke with the contractor and was told that the work will be completed in the future.

➤ Status: Noncompliance.

2. Operable and Inoperable Vehicles parked at 811 Grace Street and Inoperable Vehicles parked on the Mission Boulevard site.

➤ Recommended Remedy: Remove all vehicles from the adjacent parking lot at 811 Grace Street. It is illegal to store vehicles at this location. In addition, inoperable vehicles may not be stored on the Mission Boulevard site unless the vehicles are awaiting repair.

➤ Status: Vehicles continued to be stored even though the applicant had promised compliance in the past.

3. An excess of 25 percent of window area is covered with paint and signs.

➤ Recommended Remedy: Window coverage is not permitted to exceed 25 percent. The windows located on the north side and the rear of the garage are painted to match the building. If the intent is to screen the contents of the garage from view, then the windows should be replaced with a wall. If this is not the intent, the paint is required to be removed.

➤ Status: Noncompliance.

4. Outdoor storage of auto parts and miscellaneous item in the Mission Boulevard lot and in the planters continues to be problematic. For the most part, overall property maintenance is poor.

- Recommended Remedy: Remove all auto parts and items from the lot. Outdoor storage is not allowed. Auto parts and other items must be stored within the building or garage.
- Status: Noncompliance.

5. Removal of the roof sign located on the fuel pump canopy.

- Status: Compliance Occurred: The roof sign has been removed as required by the conditions of approval. Since the property is located within the Marks Historic District, a sign plan was presented to the Citizens Advisory Board for review. The Board requested revisions to the plan and a subsequent review. The revised plan has not yet been submitted for review.

Staff has met and spoken with Mr. Casatiko and Mr. Joseph Huber on numerous occasions. With each conversation, some progress has been made and some regression has occurred. However, any compliance has been slow to occur. Both have assured staff that the property will comply by the date of the Planning Commission meeting.

Staff has also communicated with Mr. Tim Wong, the owner of the adjacent parking lot on Grace Street, that automobile storage is not permitted and fines will be assessed at the property owner's expense if the automobiles are not removed. Mr. Wong has contacted Mr. Huber and has a verbal agreement that the parking lot was to be cleared by December 28, 1999. This has not been completed.


Public Notice

On January 3, 2000, a Notice of Public Hearing was mailed to every property owner, and resident within 300 feet of the property as noted on the latest assessor's records, to former members of the North Hayward Task Force and to the business owner. No one has responded to the notice. In addition, the business owner has been notified by mail.

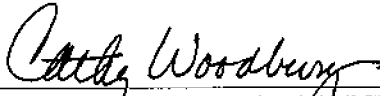
Conclusion

After receiving several verbal and written notices over a 14-month period, the property owner has not complied with two of the conditions of approval of the use permits, as well as property maintenance required by Municipal Code. This property continues to be problematic and given the extended history of noncompliance, there is no reason to believe that such violations will cease. Therefore, staff recommends that the use permit be revoked.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

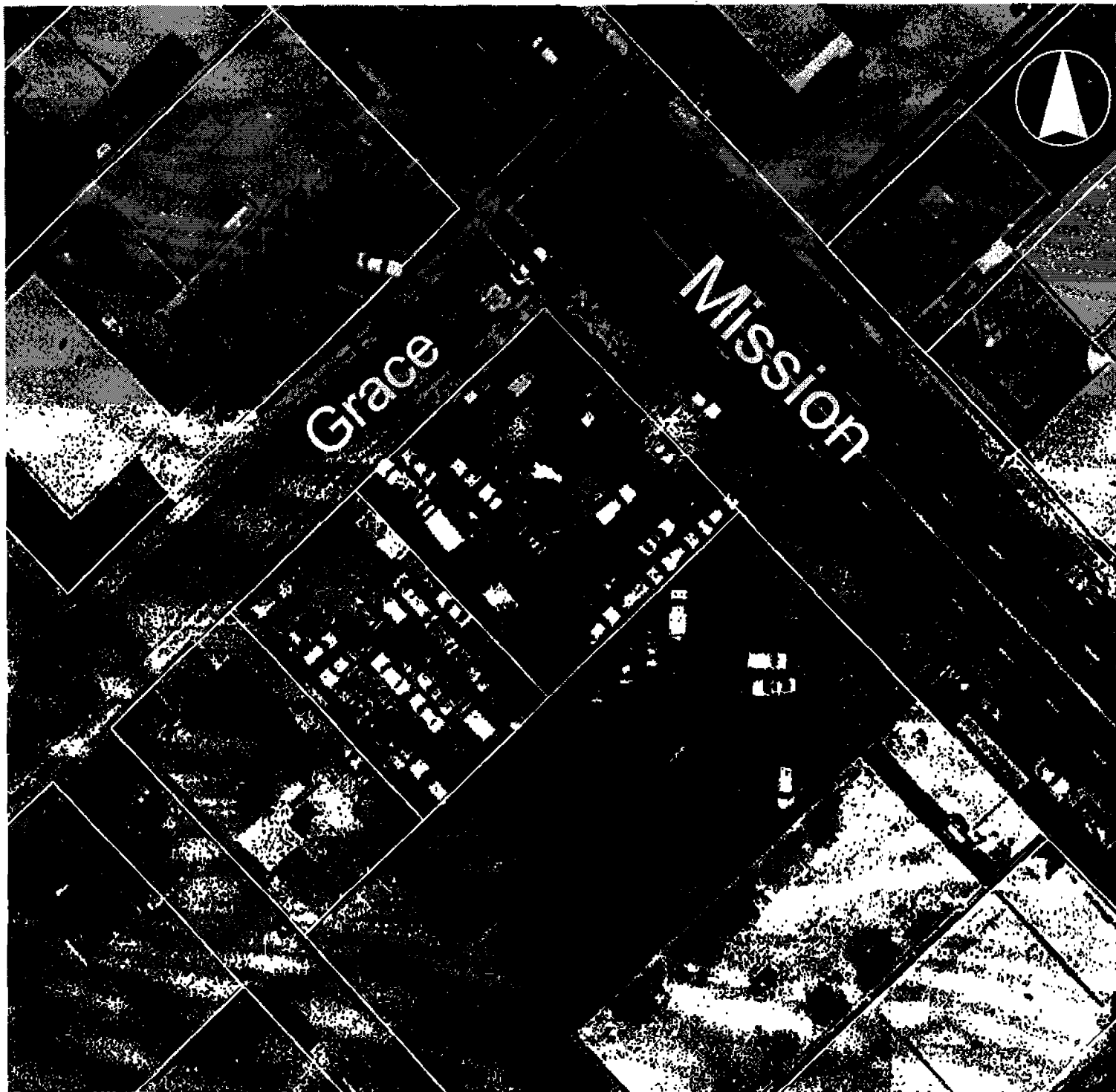
Recommended by:


Cathy Woodbury, ASLA/AICP
Principal Planner/Landscape Architect

Attachments:

- A.1 Zoning-Area Map
- A.2 Aerial Photo
- B Board of Adjustments Work Sheet and Conditions of Approval date June 30, 1969
- C Staff report dated December 2, 1991 and Board of Adjustment Minutes dated January 6, 1992
- D Community Preservation Letter dated August 25, 1998
- E Community Preservation Letter dated September 30, 1998
- F Community Preservation Letter dated October 21, 1998
- G Memo from Community Preservation to Development Review Services Division dated December 9, 1998
- H Letter from Planning Division dated May 21, 1999
- I Letter from Planning Division dated September 3, 1999
- J Letter from Planning Division dated November 17, 1999
- K Letter from property owner dated November 23, 1999
- L Site Plan

ATTACHMENT A.1



Aerial Photo
Hayward Auto Wholesale
22301 Mission Boulevard

50 0 50 100 150 200 250 Feet

CHECK WHICH

- Street Excavation ☐
 Sidewalk ☐
 Curb and Gutter ☐
 Driveway ☐
 Utilities ☐
 Tree Work ☐
 Parade ☐
 Use Permit ☒
 Variance ☐
 Zone Change ☐
 Sewer ☐
 Encroach ☐

CITY OF HAYWARD
APPLICATION AND PERMIT

PROPER APPROVAL HEREON CONSTITUTES PERMIT

Applicant's Name Alton C. Neaks Date 5/29/69
 Address 22268 Mission Boulevard, Hayward Phone 581-5808
 Location of Proposed Work, etc. 22301 Mission Boulevard
 Owner Address Herville Massa, 1611 Orchard Lane, Walnut Creek
 Contractor Address _____
 Per (Ord) (Res.) No. _____

Application No. 2002Taken By MLCPermit No. 19742

Issued By _____

Date Issued JUN 30 1969

Other Permits: _____

Rec. No. 19894

No. _____

No. _____

No. _____

No. _____

THE APPLICANT HEREBY APPLIES FOR PERMISSION ~~xxx~~ (Describe Fully)

For a used car sales lot using the vacant service station building
 for minor servicing of autos for sale or under warranty with no
 heavy repairing at 22301 Mission Boulevard at the southwest corner
 of Mission Boulevard and Grace Street in a CG (General Commercial)
 District.

(Map 4283 Block 51 Parcel 10)

SPECIAL CONDITIONS:

Referred To: <u>BOARD OF ADJUSTMENTS</u>	Approved By: <u>Conditionally as per Ex. 54</u>	Date: <u>6-17-69</u>
1. _____	2. _____	2. _____
2. _____	3. _____	3. _____

THIS SPACE FOR APPROVING DEPARTMENT

Approval of this Permit is subject to all General Provisions as shown on the reverse side and such Special Provisions as are checked below:

1. _____	7. _____	DEPOSIT OR FEE
2. _____	8. _____	_____
3. _____	9. _____	_____
4. _____	10. _____	_____
5. _____	11. _____	_____
6. _____	12. _____	_____

In consideration of the granting of this permit and other good and valuable consideration therefor, the undersigned intending to be legally bound, does hereby for the undersigned and the heirs, executors, administrators and assigns of the undersigned agree to indemnify and hold harmless the City of Hayward, the members of the City Council and their agents, servants and employees and each of them, from and against liability for injury to or death of persons, and/or liability for damage to property arising from any and all work herein permitted or incidental thereto or which may arise from failure of permittee to perform the obligations of permittee under this permit with respect to maintenance.

Signature of Applicant _____

ATTACHMENT B

It was moved by Mr. Birchfield, seconded by Mr. Wahamaki, and unanimously CARRIED, that Use Permit Application No. 20313 be APPROVED in accordance with improvements outlined on plot plan on file with this application and marked Exhibit-"A", with the finding that the proposed use, subject to the conditions imposed, will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof; provided further that, prior to occupancy, all improvements shall be installed in accordance with the aforesaid exhibit and that the use remains valid subject to the following conditions:

1. Install and maintain a 3-foot landscaped strip adjacent to Mission Boulevard and Grace Street excluding driveways as indicated on Exhibit "A";
2. Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas, edges of driveways, and planting islands;
3. The RICHFIELD identification sign located on the roof of the canopy and identifying colors on the building shall be removed; and

PUBLIC WORKS CONDITION:

Owner shall dedicate 3 feet along Grace Street and 20-foot radius return at the intersection of Grace Street and Mission Boulevard by August 10, 1969.

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PLANNING DEPARTMENT REPORT
BOARD OF ADJUSTMENTS

June 10, 1969

ITEM 3: Use Permit Application No. 20313 of Al Meeks Motors for Neville Massa for a used car sales lot using the vacant service station building for minor servicing of autos for sale with no repairing at 22301 Mission Boulevard at the southwest corner of Mission Boulevard and Grace Street in a CG (General Commercial) District.

PROPERTY: Flat, corner parcel

9200 square feet in area

100-foot frontage on Mission Boulevard

92-foot frontage on Grace Street

PROPOSAL: To use property for used car sales lot

To use the vacant service station building for minor servicing of autos for sale with no repairing

Adjacent uses:

South - Theatre (RITZ) and theatre parking lot

West - Single-family dwelling (zoned RHB7)

North - Across Grace Street - mortuary (MACHADO'S)

East - Across Mission Boulevard, new and used car sales agency (BUCHANAN CADILLAC) and a dry cleaning shop

COMMENTS: The proposed use will be compatible with the adjacent uses; however, the site is completely covered with asphalt and building except for a 4-foot landscaped area (hedge) along both interior property lines.

A 3-foot landscaped strip, parallel with Mission Boulevard and ^{GRACE} ~~Rosa~~ Street, would relieve the barren appearance of asphalt and building and enhance the site. Furthermore, the metal building would be far more attractive if it were re-painted and brick or masonry veneers installed on the building walls facing the street.

RECOMMENDATION: Conditional approval with the following conditions:

PRIOR TO OCCUPANCY OR CONNECTION OF GAS AND ELECTRIC UTILITIES:

1. Install a 3-foot landscaped strip parallel with Mission Boulevard and ^{GRACE} ~~Rosa~~ Street excluding driveways as indicated on Exhibit "A";
2. Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas, edges of driveways, and planting islands;
3. An underground sprinkler system with automatic on/off timer-clock mechanism shall be installed and maintained within required yard areas abutting public streets;

ATTACHMENT C

ITEM 3: Use Permit Application No. 20313 of Al Meeks Motors for Neville Masses

4. The two driveways nearest the corner of Mission Boulevard and Grace Street shall be abandoned and replaced with sidewalk and curb constructed to City standards;
5. Entire structure shall be re-painted;
6. A 3-foot brick or masonry veneer shall be installed around the base of main structure;
7. The BICEFIELD identification sign located on roof of canopy shall be removed; and

PUBLIC WORKS CONDITION:

Owner shall dedicate 3 feet along Rose Street and 20-foot radius return at the intersection of ^{Grace}~~Rose~~ Street and Mission Boulevard by August 10, 1969.



CITY OF
HAYWARD

HEART OF THE BAY

COMMUNITY PRESERVATION

August 25, 1998

Mr. Al Casatico
27570 Mission Boulevard
Hayward, CA 94544

Subject: Use Permit Non-Compliance
22301 Mission Boulevard
Case No. 98-1606

Dear Mr. Casatico:

The City of Hayward has received complaints concerning your tenant, Hayward Auto Wholesale, where the business has expanded onto the surrounding streets and properties.

An inspection of the area on August 20, 1998, proved that vehicles from the business were parked in neighboring properties and your tenant, Joseph Huber, admitted to using a neighboring property to park vehicles for the business. Also discovered, were expanded uses of the site itself, which are contrary to Use Permit (UP) #20313 (copy enclosed) which was approved conditionally on June 17, 1969.

The following uses observed on the property were either not included in the approval or are in violation of conditions of approval for UP 20313:

- Required landscaping and planters missing or removed
- Required curbing around lot missing or removed
- Corner driveways not removed
- Major repairs of vehicles
- Storage of dismantled vehicles and auto parts
- Off-site parking of vehicles connected with the business
- Placement of rented storage container in back of the lot
- Metal shed placed in back of lot
- Installation of a canopy on west side of building

Hayward Municipal Code (HMC) section 10-1.541, Conformance – Administrative Modification, states that permits and licenses are issued on the basis of plans

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT INSPECTION SERVICES

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4140 • FAX: 510/583-3642 • TDD: 510/247-3340

ATTACHMENT D

22301 Mission Boulevard

Case No. 98-1606

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and applications approved by the Director of Community and Economic Development/Planning Director are only valid for uses, arrangements, and construction set forth as approved. Any use, arrangement, or construction other than that authorized is a violation of the Zoning Ordinance.

Therefore, the following will be required to restore the approved conditions of the UP 20313:

1. Cessation of major auto repairs upon the property;
2. Removal of dismantled and inoperative vehicles from the property;
3. Removal of canopy attached to rear of structure;
4. Restoration of planters and landscaping as shown in exhibit A;
5. Removal of the two driveways nearest Mission and Grace and replace them with sidewalk and curbing to City standards and with permits;
6. Install curbing around outer perimeter as shown in item #2 of the Use Permit;
7. Remove storage container and shed from property; and
8. Discontinue the parking of vehicles from the business on the street and surrounding properties.

Also, the City has no record of a building permit for the installation of the high-intensity light fixture installed upon the southwest corner of the building, nor the signs mounted on this structure. A permit will be required for both the light fixture and wall mounted signs if you intend to retain them.

A reinspection of the property will be conducted on **September 27, 1998**. Unless significant compliance is completed of the aforementioned requirements by this date, you shall be assessed a \$226.00 inspection fee and this office will proceed with any necessary civil and criminal measures to bring the property into compliance, included the Use Permit revocation.

22301 Mission Boulevard
Case No. 98-1606
Page 3

I recommend that you contact Development Review Service (Planning) at (510) 583-4200 should you have questions concerning the Use Permit or to apply for necessary sign and building permits or to apply for a modification of the current permit. I can be contacted at (510) 583-4173 if you need further clarification regarding the timeframe or corrections noted in this letter.

Your anticipated cooperation in this matter is appreciated.

For the City of Hayward,



Ken Jeffery
Community Preservation Inspector

Enclosures Use Permit 20313
 "Exhibit A"

cc Joseph Huber, Hayward Auto Wholesale
 Dyana Anderly, Planning Director
 Sargent L. Lowe, Traffic Division, Hayward Police



CITY OF
HAYWARD
HEART OF THE BAY

COMMUNITY PRESERVATION

September 30, 1998

Mr. Al Casatico
27570 Mission Boulevard
Hayward, CA 94544

Subject: **Use Permit Non-Compliance**
23301 Mission Boulevard
Case No. 98-1606

Dear Mr. Casatico:

This letter is to inform you that I have extended the date for compliance of the Zoning, Sign and Community Preservation ordinance violations that were addressed in my letter to you dated August 25, 1998 (copy enclosed) upon your property located at 22301 Mission Boulevard.

A reinspection of the property will be conducted on **October 15, 1998**. Should all the violations outlined in the previous letter not be abated by this date, an inspection fee of \$226.00 shall be assessed. Additional reinspections will be assessed at \$81.00 each until compliance is achieved. Further measures such as civil and criminal actions may be also applied to bring the property into compliance. Also, this office will recommend the revocation of the current Use Permit before the Planning Commission.

Please contact me at (510) 583-4173 immediately should you have any questions concerning this letter. Your cooperation in this matter is appreciated.

For the City of Hayward,

Ken Jeffery
Community Preservation Inspector

Enclosure Letter of August 25, 1998

cc Joseph Huber, Hayward Auto Wholesale
UP 20313

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT INSPECTION SERVICES

777 B STREET, HAYWARD, CA 94541-5007

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ATTACHMENT E



CITY OF
HAYWARD

HEART OF THE BAY

COMMUNITY PRESERVATION

October 21, 1998

Mr. Al Casatico
27570 Mission Boulevard
Hayward, CA 94544

Subject: **Use Permit Non-Compliance/Failed Inspection**
22301 Mission Boulevard
Case No. 98-1606

Dear Mr. Casatico:

On October 16, 1998, a reinspection of your property at 22301 Mission Boulevard was conducted for compliance of Use Permit violations that were outlined in my letter dated September 30, 1998 to you and your tenant Mr. Huber.

I found the following violations of Use Permit 20313 still have not been corrected:

1. Required landscaping and planters still missing
2. Required curbing around lot missing
3. Corner driveways not removed⁴
4. Continued off-site parking of vehicles connected with the business
5. Storage container and shed at back of lot not removed^x

In addition to the above uncorrected violations, City files show that neither sign permits have been applied for nor an application submitted to amend the current Use Permit.

As indicated in my letter of September 30, 1998, any violations not corrected by October 15, 1998 would be assessed a \$226.00 inspection fee. Accordingly, this has been assessed. Furthermore, this matter is being referred to Dyana Anderly, Development Review Services Administrator, recommending that the current Use Permit be revoked.

Please contact me immediately at (510) 583-4173 should you have any questions concerning this letter.

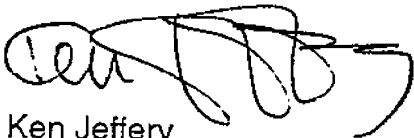
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT INSPECTION SERVICES

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ATTACHMENT F

22301 Mission Boulevard
Case No. 98-1606
Page 2

For the City of Hayward,



Ken Jeffery
Community Preservation Inspector

cc Joseph Huber, Hayward Auto Wholesale
Dyana Anderly, Planning

Thank you for using Return Receipt Service.

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: MR. AL CASATICO 27570 MISSION BLVD HAYWARD, CA 94544		4a. Article Number P 130 644 624	4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD
5. Received By: (Print Name) X		7. Date of Delivery 10-21-90	
6. Signature: (Addressee or Agent) X		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1984 9B-1606 Domestic Return Receipt

P 130 644 624

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to CASATICO	
Street & Number	
Post Office, State, & ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

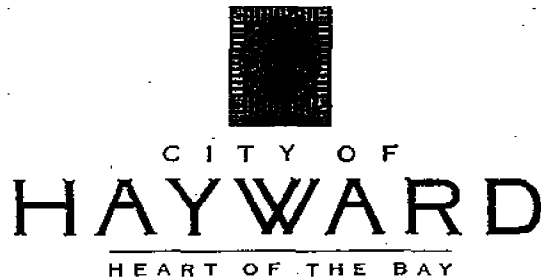
10-21-90

Memo

To: Joan Borger, Assistant City Attorney
From: Ken Jeffery, Community Preservation Inspector VΔ
CC: Dyana Anderly, Dev. Review Services Administrator
Date: 12/09/98
Re: Hayward Auto Wholesale, 22301 Mission and 811 Grace Street

I went by Hayward Auto Wholesale on Tuesday, December 8, 1998 and found little progress in bringing this property into compliance with the Use Permit. The sidewalks have been demolished and no progress in replacing them. Additionally, there has been no replacement of the required planters or landscaping. The large storage container on the property which was to be removed, is still on the property. Vehicles from the business continue to be parked on the street and continue to be stored in the lot at 811 Grace Street.

At this point, I feel that we should proceed with the recommendation for the revocation of the Use Permit. Let me know how to proceed on this.



May 21, 1999

Al Casatico
27570 Mission Blvd. #B
Hayward, CA 94544

**Subject: Non-Compliance to Conditions of Approval
Use Permit 20313
22301 Mission Boulevard, Hayward, California**

Dear Mr. Casatico:

Upon inspection of 22301 Mission Boulevard on May 19, 1999, it was evident that the conditions of approval of Use Permit No. 20313 have not been met. Therefore, revocation proceedings have commenced and will be discussed by the Planning Commission on June 24, 1999.

I would like to discuss this matter with you and would appreciate that you call me at (510) 583-4206. Thank you.

Sincerely,

Arlyne J. Camire, AICP
Associate Planner

cc: Joseph Huber, Hayward Auto Wholesale, 22301 Mission Blvd. Hayward, CA 94541

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DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT REVIEW SERVICES

777 B STREET, HAYWARD, CA 94541-5007

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ATTACHMENT H



CITY OF
HAYWARD

HEART OF THE BAY

September 3, 1999

Al Casatico
27570 Mission Blvd. #B
Hayward, CA 94544

**Subject: Compliance to Conditions of Approval
Use Permit No.20313
22301 Mission Boulevard, Hayward, California
Illegal storage of vehicles
811 Grace Street**

Dear Mr.Casatico,

As discussed with you and Mr. Huber, the following items are to be completed by October 4, 1999 unless otherwise specified, to bring the properties into compliance with the conditions of approval of Use Permit No. 20313 and Hayward Municipal Code requirements:

- Implementation of the enclosed approved landscape plan.
- All vehicles connected with the business are to be parked on-site.
- As agreed upon by Mr. Hurber and Mr. Tim Wong, the owner of 811 Grace Street, the vehicles stored at 811 Grace Street are to be removed by September 30, 1999.
- Signs are not to cover more than 25 percent of the window area. Please repair the window sign and reduce it to cover not more than 25 percent of the window area.
- Removal of the roof sign. I have had several conversations with the sign manufacturer that you have contracted. However, a sign plan has not been submitted. Since your property is located within the Marks Historic District, all signs are required to be reviewed by the Citizen Advisor Board prior to the issuance of a sign permit. Please have the sign manufacturer submit a plan so this review may occur.

If the items are not completed by October 4, 1999, revocation proceedings will commence and this matter will be schedule for review by the Planning Commission.

I have inspected the property and took note that the concrete curbs have been constructed, and the storage shed and graffiti have been removed. I would like to thank you and Mr. Huber for your efforts to comply with the conditions of approval in light of Mr. Huber's recent lengthy hospitalization. I am pleased that we are working

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

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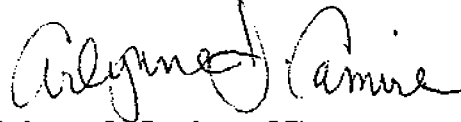
ATTACHMENT I

September 3, 1999

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toward bringing the property in compliance. Please call me at (510) 583-4206 if I can assist you with any of the above items. Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Arlynn J. Camire". The signature is written in dark ink and is positioned above the printed name.

Arlynn J. Camire, AICP
Associate Planner

cc: Joseph Huber, Hayward Auto Wholesale, 22301 Mission Blvd., Hayward, CA
94541
Nor Cal Casket Company Inc., 3508 Haven Avenue, Redwood City, CA 94063

K:\CED2\drs\Work DRS\Project Files 99\Use Permits\Mission Blvd-22301-99-160-05\Compliance Letter.doc



CITY OF
HAYWARD
HEART OF THE BAY

November 17, 1999

Al Casatico
27570 Mission Blvd. #B
Hayward, CA 94544

**Subject: Non-Compliance to Conditions of Approval
Use Permit 20313
22301 Mission Boulevard, Hayward, California**

Dear Mr. Casatico:

As indicated in a correspondence dated September 3, 1999, all conditions of approval of Use Permit 20313 were to be met by October 4, 1999. I inspected the site that morning and took note that the conditions of approval had not been completed.

During our conversation on October 4, 1999, you stated that you were not able to complete the landscaping because the landscapers were not available until October 14, 1999. You and I agreed upon an extension that required all conditions of approval to be met by October 31, 1999. Upon inspection on November 1, 1999, I took note that the conditions had not been met. I called Mr. Huber and indicated that revocation proceedings would commence. He indicated that he would discuss the matter with you and he was presently looking for a site to store vehicles that are parked at 811 Grace Street.

Upon inspection on November 16, 1999, it was evident that progress had not occurred and the conditions of approval were not met.

The following is the status of the conditions of approval and the condition of the property:

Landscaped areas adjoining sidewalks, drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.

This was partially completed.

A landscape plan was reviewed and approved by Cathy Woodbury, Principal Planner/Landscape Architect. The plan included the following:

- A landscape buffer of evergreen shrubs (such as Photina Fraseria) shall be planted in the south side yard and rear yard 4-foot planters. The shrubs shall be planted 3 feet of center.
- Two 15-gallon Crape Myrtles street trees are required on both the Mission Boulevard and the Grace Street frontages. Trees shall be planted according to the City Standard Detail SD-122.
- 5-gallon shrubs (such as Rhipiolepis 'Ballerina') are required in the planters on both Mission Boulevard and Grace Street frontages. The shrubs shall be planted 30 inches of center.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT REVIEW SERVICES

777 B STREET, HAYWARD, CA 94541-5007

TEL: 510/583-4200 • FAX: 510/583-3649 • TDD: 510/247-3340

ATTACHMENT J

- An automatic irrigation system is required.

Landscape improvements had not been installed in compliance to the approved landscape plans.

The roof sign has been removed and the Citizen Advisory Board has reviewed a proposed sign. Mr. Huber was asked to return with a redesigned sign. Revised plans have not been submitted.

The window sign is in disrepair and covers more than 25 percent of the window area.

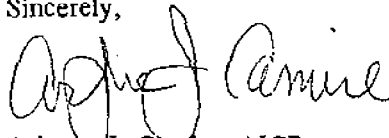
It appears that the off-site parking of vehicles connected with the business has ceased however, vehicles continue to be stored at 811 Grace Street contrary to the request by the property owner, Mr. Tim Wong, to have the vehicles removed by September 30, 1999.

Outdoor storage continues to be a problem. During our inspection on November 16, 1999, Ken Jeffery, Community Preservation Inspector, and I observed an automobile motor stored in the rear yard and miscellaneous equipment and items stored in the landscape planter on the south side of the property. Outdoor storage is prohibited.

You and Mr. Huber were given several opportunities to comply with the conditions of approval and property maintenance standards. Progress has occurred, however, the conditions of approval continue to be unmet.

Therefore, revocation proceedings have commenced and will be discussed by the Planning Commission on December 9, 1999. I would appreciate that you contact me as soon as possible to discuss this matter. I can be reached at (510) 583-4206. Thank you.

Sincerely,



Arlynne J. Camire, AICP
Associate Planner

cc: Joseph Huber, Hayward Auto Wholesale, 22301 Mission Blvd., Hayward, CA 94541
Nor Cal Casket Company Inc., Attn. Tim Wong, 3508 Haven Avenue, Redwood City,
CA 94063

AL CASATICO
27570 Mission Blvd., #8
Hayward, CA 94544

RECEIVED

NOV 29 1999

November 23, 1999

PLANNING DIVISION

MS. ARLYNNE J. CAMIRE, AICP
CITY OF HAYWARD
Department of Community and Economic Development
777 B Street
Hayward, California 94541-5007

RE: Use Permit 20313
22301 Mission Boulevard
Hayward, CA

Dear Ms. Camire:

In response to your letter dated November 17, 1999, you are correct that the work required was not yet completed, however, I do not have control over the people I hire because they are busy this year and they have problems with their calendar also.

Last year, I completed the sidewalks, driveways, and put up 8 inch height concrete curbs at great expense. This year I hired the same contractor because he is now familiar with the site and his work is excellent.

Please consider my efforts and the expense involved. I am sincerely trying to please the City and do all these things.

On page two, you made mention of a large window sign. Joe had it painted over and I assumed it was ok, however, after visiting with you, you mentioned that the wall had to be either a wall or windows, so I will ask Mcleod Construction Company to nail in the window area, because if I replace it with new windows, the people that are attracted to that corner will continue to break them. Also, I was surprised that you mentioned that I am responsible for Joe's Signs. I believe that those signs are part of his business and he was responsible.

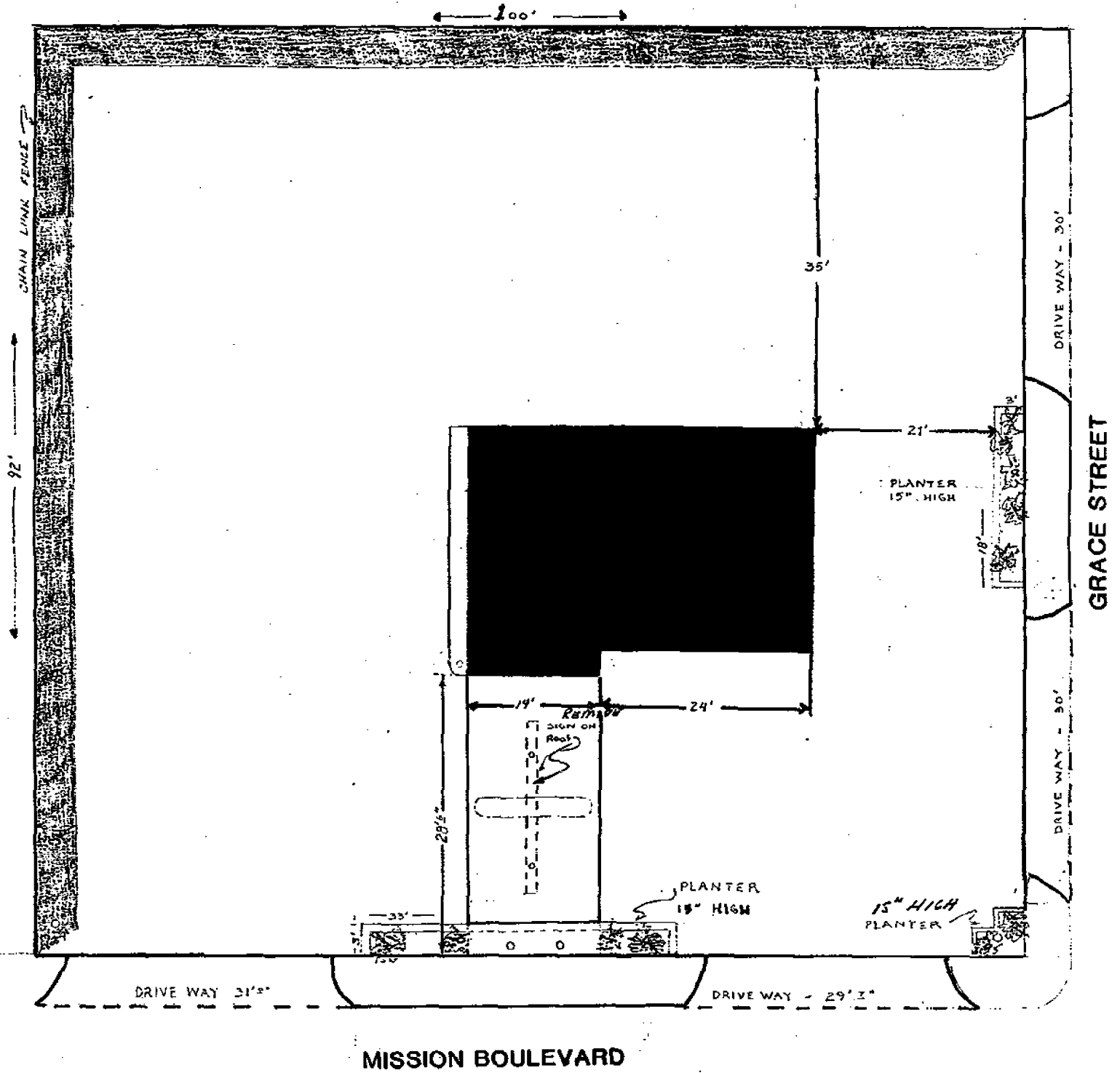
Also, please consider that I did not own this property in 1969, when the City told someone to meet all requirements.

Thank you for making that phone call for me, they also gave you commitments on completeing the job. You have been very helpful to me.

Sincerely,
Al Casatico
AL CASATICO
AC/bjv

ATTACHMENT K

PARKING LOT



SITE PLAN

ATTACHMENT L